

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-22 are currently pending. Claims 1 and 13 have been amended; and Claims 19-22 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 2, 4-9, 13, 14, and 16-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,848,378 to Shelton et al. (hereinafter "the '378 patent"); and Claims 3, 10-12, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '378 patent.

Applicants wish to thank the Examiner for the interview granted Applicants' representative on November 20, 2003, at which time a proposed amendment to Claim 1 was discussed. The Examiner agreed that the proposed amendment would overcome the outstanding rejection of the claims, pending the Examiner's further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Amended Claim 1 is directed to a computer program product comprising a computer storage medium and a computer program code mechanism embedded in the computer storage medium, the computer program code mechanism comprising: (1) a first computer code device configured to select a protocol to transfer that data between a remote receiver and at least one of a device, an appliance, an application, and an application unit; (2) a second computer code device configured to select a first format to transfer event data between the remote receiver and the at least one of a device, an appliance, an application, and an application unit; and (3) a third computer code device configured to determine, *subsequent to the selection of the protocol and the first format*, if the protocol selected by the first computer code device is compatible with the first format selected by the second computer code device.

Claim 1 has been amended to clarify that the compatibility determination is made subsequent to the selection of the protocol and the first format. The changes to the claims are supported by the originally filed specification and do not add new matter.

Regarding the rejection of Claim 1, the '378 patent is directed to a system for collecting and presenting real-time weather information on multiple media. As shown in Figure 1, the '378 patent discloses that real-time weather data is transmitted from weather stations 1 via associated weather centers 4 to a weather server 2 over a network 3, which may be any type of communications network such as the Internet. In addition, as shown in Figure 4 of the '378 patent, the weather stations collect data from a variety of sensors. However, Applicants respectfully submit that the '378 patent fails to disclose a first computer code device configured to *select* a protocol to transfer event data, and a third computer code device configured to determine if the protocol selected by the first computer code device is compatible with a format *selected* by a second computer code device, as recited in Claim 1. Rather, the '378 patent merely discloses that a network server presentation driver 8 allows multiple users to access weather data at a base computer via any one of a number of standard client/server network interfaces, and that data may be presented in a variety of formats. However, the '378 patent does not disclose that a protocol to transfer event data is selected or that a subsequent determination is made as to whether the selected protocol is compatible with a format selected by a second computer code device.¹ Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claims 2 and 4-9) as anticipated by the '378 patent.

Claim 13 recites limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants

¹ Moreover, Applicants respectfully submit that the Office Action merely assumes that all formats used to present the weather data in the '378 patent are compatible with the communication protocol being used.

respectfully traverse the rejection of Claim 13 (and dependent Claims 14 and 16-18) as anticipated by the '378 patent.

Regarding the rejection of dependent Claims 3, 10-12, and 15 under 35 U.S.C. § 103(a), Applicants note that the '378 patent fails to disclose each of the limitations recited in independent Claims 1 and 13, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 3, 10-12, and 15 should be withdrawn.

The present amendment also sets forth new Claims 19-22 for examination on the merits. New Claim 19, which depends from independent Claim 13, recites that the event data is generated by an internal operation of the at least one of the device, an appliance, an application, and an application unit. Further, Claim 20, which depends from Claim 13, adds the step of transferring the event data between the remote receiver and the at least one of a device, an appliance, an application, and an application unit using *e-mail*. New Claims 19 and 20 are supported by the originally filed specification and do not add new matter.² In addition, new Claims 21 and 22, which depend from Claim 1, recite limitations analogous to the limitations recited in Claims 19 and 20. Further, based on the asserted allowability of Claims 1 and 13, Applicants submit that new Claims 19-22 patentably define over the '378 patent.

Thus, it is respectfully submitted that independent Claims 1 and 13 (and all associated dependent claims) patentably define over the '378 patent.

² See, e.g., Figures 6A-6D and paragraph 3 of the specification.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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